

OPINIONS AND DECLARATIONS RENDERED BY THE INTER- NATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

Edited by

FRANCIS HEMMING, C.M.G., C.B.E.

Secretary to the Commission

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OPINION 448

Suppression under the Plenary Powers of the name *bei* Ridgway, 1874, as published in the combination *Eremophila alpestris* var. *bei*, a name given to the Astrakan Horned Lark as the result of the misreading of a museum label (Class Aves)

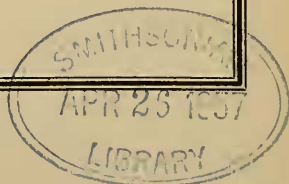
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INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

COMPOSITION AT THE TIME OF THE ADOPTION OF THE RULING GIVEN IN OPINION 448

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Dr. K. H. L. KEY (*Commonwealth Scientific and Industrial Research Organisation, Canberra, A.C.T., Australia*) (15th October 1954)

Dr. Alden H. MILLER (*Museum of Vertebrate Zoology, University of California, U.S.A.*) (29th October 1954)

Doc. Dr. Ferninand PRANTL (*Národní Museum v Praze, Prague, Czechoslovakia*) (30th October 1954)

Professor Dr. Wilhelm KÜHNELT (*Zoologisches Institut der Universität, Vienna, Austria*) (6th November 1954)

Professor F. S. BODENHEIMER (*The Hebrew University, Jerusalem, Israel*) (11th November 1954)

Professor Ernst MAYR (*Museum of Comparative Zoology at Harvard College, Cambridge, Massachusetts, U.S.A.*) (4th December 1954)

Professor Enrico TORTONESE (*Museo di Storia Naturale "G. Doria", Genova, Italy*) (16th December 1954)

SUPPRESSION UNDER THE PLENARY POWERS OF THE NAME "BEI" RIDGWAY, 1874, AS PUBLISHED IN THE COMBINATION "EREMOPHILA ALPESTRIS VAR. "BEI", A NAME GIVEN TO THE ASTRAKAN HORNED LARK AS THE RESULT OF THE MIS-READING OF A MUSEUM LABEL (CLASS AVES)

RULING :—(1) Under the Plenary Powers the name *bei* Ridgway, 1874, as published in the combination *Eremophila alpestris* var. *bei*, being a name published as the result of the misreading of a museum label, is hereby suppressed for the purposes of the Law of Priority but not for those of the Law of Homonymy.

(2) The under-mentioned specific names are hereby placed on the *Official List of Specific Names in Zoology* with the Name Numbers severally specified below :—

(a) *alpestris* Linnaeus, 1758, as published in the combination *Alauda alpestris* (Name No. 1128) ;

(b) *brandti* Dresser, 1874, as published in the combination *Otocorys brandti* (Name No. 1129).

(3) The under-mentioned specific name is hereby placed on the *Official Index of Rejected and Invalid Specific Names in Zoology* with the Name Number 375 :—
bei Ridgway, 1874, as published in the combination *Eremophila alpestris* var. *bei*, as suppressed under the Plenary Powers in (1) above.

I. THE STATEMENT OF THE CASE

Among the problems submitted to the Colloquium on Zoological Nomenclature held at Copenhagen in 1953 in connection

with the Meetings of the International Commission on Zoological Nomenclature and of the Fourteenth International Congress of Zoology was the problem presented by the inadvertent publication of names through the misreading of museum labels. This problem was entered as Case No. 35 on the Agenda of the Colloquium. Two papers were submitted in connection with this item (Peters (J.L.), 1953, *Bull. zool. Nomencl.* **10** : 357—358 : Hemming (F.), 1953, *ibid.* **10** : 358—359). On the advice of the Colloquium, endorsed by the International Commission on Zoological Nomenclature, the International Congress decided not to make any express provision in the *Règles* for dealing with this problem, considering it more convenient that cases of this type should be dealt with by the International Commission on an *ad hoc* basis, as and when they should arise (1953, *Copenhagen Decisions zool. Nomencl.* : 65, Decision 119). Following the close of the Copenhagen Congress, Colonel Richard Meinertzhagen (*London*), considering that the misreading of a museum label which had led to the publication of the name *bei* Ridgway, 1874, in the combination *Eremophila alpestris* var. *bei*, was such an egregious example of the type of mistake which had been considered at Copenhagen that remedial action must be sought from the Commission, submitted on 12th January 1955 the following application for the suppression under the Plenary Powers of the name *bei* Ridgway, 1874, thus rendering the name *brandti* Dresser, 1874, as published in the combination *Otocorys brandti*, the name long used for the Astrakan Horned Lark the oldest available name for that bird :—

Proposed use of the Plenary Powers to prevent the disappearance in synonymy of the name used for the Astrakan Horned Lark for the last eighty years by the substitution therefor of the name “*bei*” published for that bird by Ridgway in 1874 as the result of the misreading of a museum label

By RICHARD MEINERTZHAGEN, D.S.O. (*London*)

The purpose of the present application is to ask the International Commission to use its Plenary Powers to provide a valid basis for the continued use of the name *brandti* Dresser, December 1874, as published

in the combination *Otocorys brandti*, for the Astrakan subspecies of the Horned Lark by suppressing the name *bei* Ridgway, Feb. 1874, as published in the combination *Eremophila alpestris* var. *bei*, as the result of the misreading of a museum label.

2. The present case was first brought to notice in a letter dated 11th June 1951 addressed by the late James L. Peters (*Museum of Comparative Zoology at Harvard College, Cambridge, Mass., U.S.A.*) to Mr. Francis Hemming, Secretary to the International Commission, the question of principle involved in which was placed on the Agenda for the Copenhagen (1953) nomenclature meetings as Case No. 35 (1953, *Bull. zool. Nomencl.* **10** : 357—359). The facts of this case are as follows :—

- (1) In 1869 the United States National Museum obtained a collection of bird skins from the dealer Wilhelm Schlüter. One of these was that of a Horned Lark (*Eremophila alpestris* (Linnaeus)=*Alauda alpestris* Linnaeus, 1758, *Syst. Nat.* (ed. 10) **1** : 166) which bore the label "Alauda alpestris/var. : bei Astrakan".
- (2) The foregoing label was misread by Ridgway as meaning that either the collector or the dealer from whom this specimen was obtained had given the manuscript name "*bei*" to the Astrakan subspecies of the Horned Lark. Ridgway published a description of this subspecies under this "name" in 1874 (*in* Baird, Brewer & Ridgway, *Hist. N. Amer. Birds*, Land Birds **2** : 141, 142). This appeared in February 1874.
- (3) In 1874 Dresser (*Hist. Birds Europe* **4**(32) : 397, 402) described the same subspecies of the Horned Lark under the name *Otocorys brandti*. The Part of Dresser's book containing this name appeared in December 1874.
- (4) The bird in question has ever since been known by Dresser's name *brandti* but technically that name is a junior subjective synonym of the name *bei* Ridgway which, as shown above, has ten months' priority.

3. When this case was considered by the Fourteenth International Congress of Zoology, Copenhagen, 1953, it was decided not to insert a provision in Article 25 denying availability to names of this kind, the Congress placing on record its view that such cases could be dealt with more conveniently by the use by the International Commission of its Plenary Powers (1953, *Copenhagen Decisions zool. Nomencl.* : 65, Decision 119).

4. It would, in my opinion, be a reproach to zoologists to permit the use as a scientific name of a term such as *bei* which owes its publication to a ridiculous mistake. Moreover, the acceptance of this name in place of *brandti* Dresser which has been in continuous use for over eighty years would clearly run counter to the principle laid down in the Preamble prefixed to the *Règles* by the Copenhagen Congress that one of the primary objects of the *Règles* is to promote stability in nomenclature and that the Commission's Plenary Powers exist for the purpose of dealing with cases where that object is threatened (1953, *Copenhagen Decisions zool. Nomencl.* : 22, Decision 19).

5. I therefore ask the International Commission :—

- (1) to use its Plenary Powers to suppress the name *bei* Ridgway, 1874, as published in the combination *Eremophila alpestris* var. *bei*, for the purposes of the Law of Priority but not for those of the Law of Homonymy ;
- (2) to place the under-mentioned specific names on the *Official List of Specific Names in Zoology* :—
 - (a) *alpestris* Linnaeus, 1758, as published in the combination *Alauda alpestris* ;
 - (b) *brandti* Dresser, 1874, as published in the combination *Otocorys brandti* ;
- (3) to place the name *bei* Ridgway, 1874, as published in the combination *Eremophila alpestris* var. *bei*, as suppressed under the Plenary Powers under (1) above, on the *Official Index of Rejected and Invalid Specific Names in Zoology*.

II. THE SUBSEQUENT HISTORY OF THE CASE

2. Registration of the present application : When as explained in paragraph 1 of the present *Opinion* consideration was first given to the question of the acceptability of names published inadvertently through the misreading of museum labels, the problem so involved was allotted the Registered Number Z.N.(S.) 577. When after the close of the Fourteenth International Congress of Zoology, Copenhagen, 1953, Colonel Meinertzhagen

decided to submit an application in regard to the name *bei* inadvertently published by Ridgway in 1874 for the Astrakan Horned Lark, the application so submitted was allotted the Registered Number Z.N.(S.) 817.

3. Publication of the present application : The present application was sent to the printer on 19th January 1955 and was published on 28th February in the same year in Part 3 of Volume 11 of the *Bulletin of Zoological Nomenclature* (Meinertzhagen, 1955, *Bull. zool. Nomencl.* **11** : 103—104).

4. Issue of Public Notices : Under the revised procedure prescribed by the Thirteenth International Congress of Zoology, Paris, 1948 (1950, *Bull. zool. Nomencl.* **4** : 51—56), Public Notice of the possible use by the International Commission on Zoological Nomenclature of its Plenary Powers was given on 28th February 1955 (a) in Part 3 of Volume 11 of the *Bulletin of Zoological Nomenclature* (the Part in which Colonel Meinertzhagen's application was published) and (b) to the other prescribed serial publications. In addition, such Notice was given also to four general zoological serial publications and to thirteen ornithological serials in various parts of the world.

5. No objection received : Neither the publication of the present application in the *Bulletin of Zoological Nomenclature* nor the issue of the Public Notices specified in paragraph 4 above elicited any objection to the action proposed from any source.

III. THE DECISION TAKEN BY THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

6. Issue of Voting Paper V.P.(55)29 : On 22nd November 1955, a Voting Paper (V.P.(55)29) was issued in which the Members

of the Commission were invited to vote either for, or against, "the proposal relating to the specific name to be accepted for the Astrakan Horned Lark, as set out in Points (1) to (3) in paragraph 5 on page 104 of Volume 11 of the *Bulletin of Zoological Nomenclature*" [i.e. in the paragraph numbered as above in the paper reproduced in the first paragraph of the present *Opinion*].

7. The Prescribed Voting Period : As the foregoing Voting Paper was issued under the Three-Month Rule, the Prescribed Voting Period closed on 22nd February 1956.

8. Particulars of the Voting on Voting Paper V.P.(55)29 : At the close of the Prescribed Voting Period, the state of the voting on Voting Paper V.P.(55)29 was as follows :—

(a) *Affirmative Votes had been given by the following twenty-four (24) Commissioners (arranged in the order in which Votes were received) :*

Holthuis ; Hering ; Riley ; Vokes ; Mayr ; Jaczewski ;
Lemche ; Dymond ; Esaki ; Bodenheimer ; do Amaral ;
Key ; Boschma ; Sylvester-Bradley ; Mertens ; Cabrera ;
Bonnet ; Miller ; Tortonese ; Kühnelt ; Bradley (J.C.) ;
Stoll ; Hankó ; Hemming ;

(b) *Negative Votes, one (1) :*

Prantl ;

(c) *Voting Papers not returned :*

None.

9. Declaration of Result of Vote : On 23rd February 1956, Mr. Hemming, Secretary to the International Commission, acting as Returning Officer for the Vote taken on Voting Paper V.P.(55)29, signed a Certificate that the Votes cast were as set out in paragraph 8 above and declaring that the proposal submitted in the foregoing Voting Paper had been duly adopted and that the decision so taken was the decision of the International Commission in the matter aforesaid.

10. Preparation of the Ruling given in the present " Opinion " : On 12th November 1956, Mr. Hemming prepared the Ruling given in the present *Opinion* and at the same time signed a Certificate that the terms of that Ruling were in complete accord with those of the proposal approved by the International Commission in its Vote on Voting Paper V.P.(55)29.

11. Original References : The following are the original references for the names placed on *Official Lists* and *Official Indexes* by the Ruling given in the present *Opinion* :—

alpestris, *Alauda*, Linnaeus, 1758, *Syst. Nat.* (ed. 10) **1** : 166

bei, *Eremophila alpestris* var., Ridgway, 1874, in Baird, Brewer & Ridgway, *Hist. N. Amer. Birds*, Land Birds **2** : 141, 142

brandti, *Otocorys*, Dresser, 1874, *Hist. Birds Europe* **4**(32) : 397, 402

12. The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in dealing with the present case, and the present *Opinion* is accordingly hereby rendered in the name of the said International Commission by the under-signed Francis Hemming, Secretary to the International Commission on Zoological Nomenclature, in virtue of all and every the powers conferred upon him in that behalf.

13. The present *Opinion* shall be known as *Opinion* Four Hundred and Forty-Eight (448) of the International Commission on Zoological Nomenclature.

DONE in London, this Twelfth day of November, Nineteen Hundred and Fifty-Six.

*Secretary to the International Commission
on Zoological Nomenclature*

FRANCIS HEMMING